

GENERAL AGREEMENT ON
TARIFFS AND TRADE

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ANTI-DUMPING REGULATIONS OF THE UNITED STATES

The secretariat has received the following revised text of the Anti-Dumping Regulations of the United States which came into force on 25 June 1976.

Title 19 - Customs Duties

CHAPTER I - UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

/T.D. 76-175/

PART 153 - ANTIDUMPING

Antidumping and Petitions by American Manufacturers, Producers and Wholesalers

Notice of a proposed revision to Parts 153 and 175 of the Customs Regulations (19 CFR Parts 153, 175), pertaining to antidumping and petitions by American manufacturers, producers, and wholesalers, was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30825). An extension of the time given for the filing of comments on the proposed revision to October 22, 1975, was published in the FEDERAL REGISTER on September 19, 1975 (40 FR 43226). As noted in the preamble to the notice of proposed rulemaking, the primary purpose of the proposed revision was to bring Parts 153 and 175 of the Customs Regulations (19 CFR Parts 153, 175) into conformity with the provisions of the Trade Act of 1974, Pub. L. 93-618, 88 Stat. 1978. Changes or additions in language were also proposed to clarify some provisions and to incorporate existing administrative interpretations and practices into the Customs Regulations. Changes proposed to Part 175 of the Customs Regulations in the notice of proposed rulemaking are still under consideration and will be published at a later date.

After consideration of all data, views or arguments submitted in response to the notice of proposed rulemaking, the following changes were made in the proposed revision:

1. Section 153.7 has been changed to specify that the comparison to be used for determining sales at less than fair value in cases of merchandise imported from state-controlled-economy countries will be based on prices or constructed value of

similar merchandise produced in the United States in those cases where sales or offers for sale of similar merchandise in any non-state-controlled-economy country do not provide an adequate basis for comparison.

2. Paragraph (b) of Section 153.10 has been changed to delete the reference to "research and development costs" because such costs do not, in any instance, bear a direct relationship to any sales under consideration. Further, a new sentence has been added to provide that in making comparisons using exporter's sales price, reasonable allowance will be made for actual selling expenses incurred in the home market up to the amount of the selling expenses incurred in the United States market. This change is intended to reflect long existing Treasury practice.

3. Paragraph (c) of Section 153.10 has been changed to provide that in determining allowances for differences in circumstances of sale, the Secretary will be guided primarily by the cost of such differences to the seller but, where appropriate, may also consider the effect of such differences upon the market value of the merchandise. Likewise, a comparable change has been made in Section 153.11 where similar merchandise is being compared, except that under that section the Secretary will be guided primarily by the differences in cost of manufacture if it is established to his satisfaction that the amount of any price differential is wholly or partly due to such differences. These changes are intended to reflect long existing Treasury practice.

4. Paragraph (a) of Section 153.27 has been changed to provide that petitions should, rather than shall, contain certain specified information. This change was made in recognition of the fact that certain persons may not be able to provide all the information required by the notice of proposed rulemaking as necessary to form the basis for initiation of an antidumping investigation. However, this change is not intended to alter the requirement that all reasonably available information be submitted by the petitioner.

5. A new paragraph (d) concerning retroactive withholding of appraisement has been added to Section 153.35. The new paragraph provides that the Secretary, in such situations as he deems appropriate, may set as the effective date of a "Withholding of Appraisement Notice" a date prior to the date of publication of that notice. Paragraph (d) gives an example when such action would appear to be appropriate. In the example, (1) appraisement is withheld regarding a class or kind of merchandise as to which a dumping finding has been revoked, at least in part on the basis of price assurances, and (2) the Secretary concludes such situation reflects a history or pattern of below fair value sales.

6. Section 153.38 has been revised to reflect a recently announced policy whereby a discontinuance of the investigation may be issued with respect to one or more, but less than all, companies when all or nearly all of the sales by

such company or companies have been examined and the possible margins of dumping are considered minimal in relation to the volume of imports involved. In addition, as a condition for such discontinuance, prices must be revised and assurances given of no future sales at less than fair value.

7. A new paragraph (e) of Section 153.44 has been inserted to retain the Secretary's authority in unusual circumstances to modify or revoke a finding of dumping without publication of a "Notice of Tentative Determination to Modify or Revoke Dumping Finding". This provision merely reflects existing authority and is intended for use in a very limited number of situations, one of which might be a determination by the United States International Trade Commission of no likelihood of injury were a finding of dumping to be revoked.

8. Paragraph (b) of Section 153.52 has been changed to reflect the current international monetary system which is characterized by flexible, rather than fixed currency exchange rates. The revised paragraph will provide that for purposes of fair value investigations in which the facts justify it, a longer term basis for measuring changes in exchange rates may be utilized in making price comparisons. Less than fair value sales should therefore not occur in such cases as a result of brief exchange rate fluctuations.

In addition to the above changes, a number of editorial corrections have been made in the text of the provisions originally proposed.

There is included as part of the revision a redesignation table showing the relationship of sections in the revised Part 153 to sections in the present Part 153.

Accordingly, Part 153 of the Customs Regulations (19 CFR Part 153) is revised as set forth below.

Effective date. This revision shall become effective 26 July 1976.

VERNON D. ACREE
Commissioner of Customs.

Approved:

DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

17 June 1976.

PART 153 - ANTI-DUMPING

Section

153.0 Scope.

Sub-Part A - Fair Value

- 153.1 Fair Value: definition.
- 153.2 Fair value based on price in the country of exportation; the usual test.
- 153.3 Fair value based on sales for exportation to countries other than the United States.
- 153.4 Fair value based on sales in a third country by a related company.
- 153.5 Fair value when sales are made at less than the cost of production.
- 153.6 Fair value based on constructed value.
- 153.7 Merchandise from State-controlled economy country.
- 153.8 Calculation of fair value.
- 153.9 Fair value: differences in quantities.
- 153.10 Fair value: circumstances of sale.
- 153.11 Fair value: similar merchandise.
- 153.12 Fair value: offering price.
- 153.13 Fair value: transactions between related persons.
- 153.14 Fair value: fictitious sales.
- 153.15 Fair value: level of trade.
- 153.16 Fair value: sales at varying prices
- 153.17 Fair value: shipments from intermediate country.
- 153.18 Merchandise resold in a changed condition.

Sub-Part B - Availability of Information

- 153.21 Information generally available.
- 153.22 Requests for confidential treatment of information.
- 153.23 Standards for determining whether information will be regarded as privileged or confidential.

Sub-Part C - Procedures and Determinations Under
Anti-Dumping Act, 1921, as Amended

- 153.25 Suspected dumping: information from Customs officers.
- 153.26 Suspected dumping: information from persons outside Customs Service.
- 153.27 Suspected dumping: nature of information to be made available.

Section

- 153.28 Adequacy of information.
- 153.29 Initiation of anti-dumping proceeding: preliminary investigation.
- 153.30 Anti-dumping proceeding notice.
- 153.31 Full-scale investigation.
- 153.32 Determination as to belief or suspicion of the existence of sales at less than fair value - time-limits.
- 153.33 Discontinuances of anti-dumping investigation.
- 153.34 Negative determination.
- 153.35 Withholding of appraisement.
- 153.36 Affirmative determination.
- 153.37 Affirmative determination; appraisement withheld pursuant to Section 153.35(b).
- 153.38 Exclusion from a "Withholding of Appraisement Notice", a "Determination of Sales at Less Than Fair Value", of a "Finding of Dumping and Partial Discontinuances."
- 153.39 Content of determinations.
- 153.40 Opportunity to present views.
- 153.41 Referral to United States International Trade Commission.
- 153.42 Revocation of determination of sales at less than fair value; determination of sales at not less than fair value.
- 153.43 Dumping finding.
- 153.44 Modification or revocation of finding.
- 153.45 Publication of notices, determinations, and findings.
- 153.46 List of current findings.

Sub-Part D - Action by District Director of Customs

- 153.48 Action by the district director of Customs.
- 153.49 Reimbursements of dumping duties.
- 153.50 Release of merchandise; bond.
- 153.51 Type of bond required.
- 153.52 Conversion of currencies.
- 153.53 Dumping duty.
- 153.54 Timely submission of information for dumping appraisement purposes.
- 153.55 Notice to importer.
- 153.56 Dumping duty; samples.
- 153.57 Method of computing dumping duty.

Sub-Part E - Anti-dumping Review Procedures

- 153.64 Anti-dumping protest procedures.

AUTHORITY: Sections 201-212, 407, 42 Stat. 11 et seq., as amended, section 5, 72 Stat. 585, Sections 406, 407, 42 Stat. 18 (5U.S.C. 301, 19 U.S.C. 160-173). Other authorities are cited to text in parentheses.

Section 153.0 Scope

This part sets forth procedures and rules applicable to proceedings under the Anti-Dumping Act, 1921, as amended, 19 U.S.C. 160, et seq. (hereafter referred to in this part as "the Act"), the assessment of the special dumping duty, and protests relating to matters under the Act.

Sub-Part A - Fair Value

Section 153.1 Fair value; definition

For the purposes of Section 201(a) of the Act (19 U.S.C. 160(a)), the fair value of the imported merchandise shall be determined in accordance with Sub-Sections 153.2 through 153.7.

Section 153.2 Fair value based on price in the country of exportation; the usual test

(a) General. Merchandise imported into the United States will ordinarily be considered to have been sold, or to be likely to be sold at less than fair value if the purchase price or exporter's sales price (as defined in Sections 203 and 204, respectively, of the Act (19 U.S.C. 162, 163)), as the case may be, is, or is likely to be, less than the price (as defined in Section 205, after adjustment as provided for in Section 202 of the Act (19 U.S.C. 164, 161)), at which such or similar merchandise (as defined in Section 212(3) of the Act (19 U.S.C. 170a(3))) is sold for consumption in the country of exportation on or about the date of purchase or agreement to purchase the merchandise imported into the United States if purchase price applies or on or about the date of exportation thereof if exporter's sales price applies.

(b) Restricted sales. When home market sales form the appropriate basis of comparison, they may be used for this purpose whether or not they are restricted. If there should be restrictions which affect the value of the merchandise, appropriate adjustment of the home market price will be made.

Section 153.3 Fair value based on sales for exportation to countries other than the United States

(a) General. If it is demonstrated, in a situation other than that provided for in Section 153.4, that during a representative period the quantity of such or similar merchandise sold for consumption in the country of exportation is non-existent or so small, in relation to the quantity sold for exportation to countries other than the United States, as to be an inadequate basis for comparison, then

merchandise imported into the United States ordinarily will be deemed to have been sold, or to be likely to be sold, at less than fair value if the purchase price or the exporter's sales price (as defined in Sections 203 and 204, respectively, of the Act (19 U.S.C. 162, 163)), as the case may be, is, or is likely to be, less than the price (as defined in Section 205, after adjustment as provided for in Section 202 of the Act (19 U.S.C. 164, 161)), at which such or similar merchandise (as defined in Section 212(3) of the Act (19 U.S.C. 170a (3))), is sold for exportation to countries other than the United States on or about the date of purchase or of agreement to purchase the merchandise imported into the United States if purchase price applies, or on or about the date of exportation thereof if exporter's sales price applies.

(b) Restricted sales. When third country sales form the appropriate basis of comparison, they may be used for this purpose whether or not they are restricted. If there should be restrictions which affect the value of the merchandise, appropriate adjustment of the third country price will be made.

Section 153.4 Fair value based on sales in a third country by a related company

(a) General. Whenever the Secretary of the Treasury (hereafter referred to in this part as "the Secretary") has reasonable grounds to believe or suspect that the situation described in Section 205(d) of the Act (19 U.S.C. 164(d)) exists, he will cause an appropriate investigation thereof to be made. If he determines that:

(1) During a representative period, the quantity of such or similar merchandise sold for consumption in the country of exportation by a particularly company as determined under Section 153.2 is non-existent or is so small as to be inadequate as a basis for comparison with sales of merchandise by that company to the United States.

(2) The merchandise exported to the United States is being produced in facilities which are owned or controlled, directly or indirectly, by a person, firm, or corporation which owns or controls, directly or indirectly, other facilities for production of such or similar merchandise which are located in another country or countries; and

(3) The fair value of such or similar merchandise produced in one or more of the facilities outside the country of exportation, after adjustments as provided for in paragraph (b) of this section, is clearly higher than the fair value of such or similar merchandise produced in the facilities located in the country of exportation, then merchandise imported into the United States will be deemed to have been sold, or to be likely to be sold at less than fair value if the purchase price or the exporter's sales price (as defined in Sections 203 and 204, respectively, of the Act (19 U.S.C. 162, 163)), as the case may be, is or is likely to be, less than

the price (as defined in Section 205, of the Act (19 U.S.C. 164(d)), after adjustment as provided for therein, at which such or similar merchandise (as defined in Section 212(3) of the Act (19 U.S.C. 170a(3)), is sold in substantial quantities by one or more facilities outside the country of exportation on or about the date of exportation of such merchandise to the United States.

(b) Price calculations and adjustments. In computing the price at which such or similar merchandise is sold by facilities outside the country of exportation, the Secretary ordinarily shall use the price at which the merchandise is sold for consumption in the country of manufacture. If such or similar merchandise is not sold in sufficient quantities in the country of manufacture to permit a price computation, the Secretary shall make his computation on the basis of the price at which such or similar merchandise is sold for export to other countries. In making price comparisons under paragraph (a)(3) of this section, adjustment will be made for any difference in the costs of production of such or similar merchandise produced in facilities outside the country of exportation to the United States and costs of production of such or similar merchandise produced in facilities in the country of exportation to the United States. Cost of production differences for which adjustment will be made include differences in tax, labour, material, and overhead costs. Additionally, adjustments will be made for appropriately established differences between the two markets in quantities sold and circumstances of sale (Sub-Sections 153.9 and 153.10).

(c) Ownership or control. A facility in a country outside the country of exportation ordinarily will be considered to be owned or controlled by a person, firm, or corporation whenever that person, firm, or corporation exercises any kind of substantial control, direct or indirect whether or not legally enforceable, and however exercisable or exercised. Such indicia as stock ownership are meaningful, but it is the reality of control which is decisive.

Section 153.5 Fair value when sales are made at less than cost of production

Whenever the Secretary has reasonable grounds to believe or suspect that the price at which such or similar merchandise is sold for consumption in the country of exportation as determined under Section 153.2, or as appropriate, the price at which such or similar merchandise is sold for exportation to countries other than the United States as determined under Section 153.3, or the price at which such or similar merchandise is sold by facilities outside the country of exportation by a related company as determined under Section 153.4, represents a price which is less than the cost of producing the merchandise, the Secretary shall disregard such sales in the determination of fair value if such sales:

(a) Have been made over an extended period of time and in substantial quantities, and

(b) Are not at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade.

Whenever sales are disregarded by virtue of having been made at less than the cost of production, and the remaining sales in the home market or, as appropriate, to third countries or by facilities outside the country of exportation by a related company, made at not less than the cost of production are determined to be inadequate as a basis for the determination of fair value, the Secretary shall determine fair value on the basis of the constructed value as defined in Section 206 of the Act (19 U.S.C. 165). The cost of production ordinarily will be computed on the basis of the actual costs of materials, labour and general expenses, excluding profit, or, if necessary, on the basis of the best evidence available.

Section 153.6 Fair value based on constructed value

If the information available is deemed by the Secretary to be insufficient or inadequate for a determination under Sub-Section 153.2, 153.3, 153.4, or 153.5, he will determine fair value on the basis of the constructed value as defined in Section 206 of the Act (19 U.S.C. 165).

Section 153.7 Merchandise from State-controlled-economy country

If the information available indicates to the Secretary that the economy of the country from which the merchandise is exported is State-controlled to an extent that sales or offer of sales of such or similar merchandise in that country or to countries other than the United States do not permit a determination of fair value under Sub-Section 153.2, 153.3, or 153.4; the Secretary shall determine fair value on the basis of the normal costs, expenses, and profits as reflected by either:

(a) The prices, determined in accordance with Section 205(a) and Section 202 of the Act (19 U.S.C. 164(a), 161), at which such or similar merchandise of a non-State-controlled-economy country or countries, including the United States, is sold either (1) for consumption in the home market of that country or countries, or (2) to other countries, including the United States; or

(b) The constructed value of such or similar merchandise in a non-State-controlled-economy country or countries, including the United States, as determined under Section 206 of the Act (19 U.S.C. 165).

The prices or the constructed value of the United States produced merchandise generally will be utilized where sales or offers for sale of such or similar merchandise in any other non-State-controlled-economy country do not provide an adequate basis for comparison.

Section 153.8 Calculation of fair value

In calculating fair value under Section 201(a) of the Act (19 U.S.C. 160(a)), the criteria in Sub-Sections 153.8 through 153.18 shall apply.

Section 153.9 Fair value; differences in quantities

(a) General. In comparing the purchase price or exporter's sales price, as the case may be, with such applicable criteria as sales or offers, on which a determination of fair value is to be based, comparisons normally will be made on sales of comparable quantities of the merchandise under consideration. Further, reasonable allowances will be made for differences in quantities, including such differences in individual sales, if it is established to the satisfaction of the Secretary that the amount of any price differential is wholly or partly due to such differences. In determining the question of allowances for differences in quantity, consideration will be given, among other things, to the practice of the industry in the country of exportation with respect to the affording in the home market (or third country markets, where sales to third countries are the basis for comparison) of discounts for quantity sales which are freely available to those who purchase in the ordinary course of trade.

(b) Criteria for allowances. Allowances for price discounts based on sales in large quantities ordinarily will not be made unless:

(1) Six-month rule. The exporter during the six months prior to the date when the question of dumping was raised or presented (or during such other period as investigation shows is more representative) had been granting quantity discounts of at least the same magnitude with respect to 20 per cent or more of such or similar merchandise which he sold in the home market (or in third country markets when sales to third countries are the basis for comparison) and such discounts had been freely available to all purchasers; or

(2) Cost justification. The exporter can demonstrate that the discounts are warranted on the basis of savings which are specifically attributable to the quantities involved, such as savings with regard to production costs which result from the quantities produced.

(3) Use in determining fair value. If the exporter is able to meet the criteria set forth in paragraph (b)(1) of this section, the price of such or similar merchandise sold at a discount in the home market (or in third country markets when third countries are the basis for comparison) will ordinarily be used as the basis for determining the fair value of the merchandise. If the exporter is unable to meet the criteria in paragraph (b)(1) of this section, any

sales of such or similar merchandise in the home market (or in third country markets, when third countries are the basis for comparison) which are made at a discount, together with sales not made at a discount, will be used for purposes of Section 153.16 in determining the fair value of the merchandise.

(c) Price lists. In determining whether a discount has been given, the existence of a published price list reflecting such a discount will not be controlling. A price list ordinarily will be disregarded where, in the line of trade under consideration, price lists are not commonly published, or, although commonly published, are not commonly adhered to.

Section 153.10 Fair value; circumstances of sale

(a) General. In comparing the purchase price or exporter's sales price, as the case may be, with the sales, or other criteria applicable, on which a determination of fair value is to be based, reasonable allowances will be made for bona fide differences in circumstances of sale if it is established to the satisfaction of the Secretary that the amount of any price differential is wholly or partly due to such differences. Differences in circumstances of sale for which such allowances will be made are limited, in general, to those circumstances which bear a direct relationship to the sales which are under consideration.

(b) Examples. Examples of differences in circumstances of sale for which reasonable allowances generally will be made are those involving differences in credit terms, guarantees, warranties, technical assistance, servicing, and assumption by a seller of a purchaser's advertising or other selling costs. Reasonable allowances also will generally be made for differences in commissions. Except in those instances where it is clearly established that the differences in circumstances of sale bear a direct relationship to the sales which are under consideration, allowances generally will not be made for differences in advertising and other selling costs of a seller unless such costs are attributable to a later sale of merchandise by a purchaser provided that reasonable allowances for selling expenses generally will be made in cases where a reasonable allowance is made for commissions in one of the markets under consideration and no commission is paid in the other market under consideration, the amount of such allowance being limited to the actual selling expense incurred in the one market or the total amount of the commission allowed in such other market, whichever is less. In making comparisons using exporter's sales price, reasonable allowance will be made for actual selling expenses incurred in the home market up to the amount of the selling expenses incurred in the United States market.

(c) Determination of allowances. In determining the amount of the reasonable allowances for any differences in circumstances of sale, the Secretary will be guided primarily by the cost of such differences to the seller but, where appropriate, may also consider the effect of such differences upon the market value of the merchandise.

Section 153.11 Fair value; similar merchandise

In comparing the purchase price or the exporter's sales price, as the case may be, with the selling price in the home market, or for exportation to countries other than the United States in the case of similar merchandise described in subdivisions (B) or (C) of Section 212(3) of the Act (19 U.S.C. 170a (3)), due allowance shall be made for differences in the merchandise. In this regard the Secretary will be guided primarily by the differences in cost of manufacture if it is established to his satisfaction that the amount of any price differential is wholly or partly due to such differences, but, when appropriate, he may also consider the effect of such differences upon the market value of the merchandise. In the case of merchandise which does not lend itself to comparison with other merchandise for the purpose of this section, the Secretary may use any method he finds appropriate to determine fair value and to adjust for any differences in the merchandise under consideration.

Section 153.12 Fair value; offering price

In the determination of fair value, offers generally will be considered only in the absence of sales, but an offer made in circumstances in which acceptance is not reasonably to be expected will not be deemed to be an offer.

Section 153.13 Fair value; transactions between related persons

(a) Sales agencies. If such or similar merchandise is sold or, in the absence of sales, offered for sale through a sales agency or other organization related to the seller in any of the respects described in Section 207 of the Act (19 U.S.C. 166), the price at which such or similar merchandise is sold or, in the absence of sales, offered for sale by such sales agency or other organization may be used in the determination of fair value.

(b) Sales to related persons. If such or similar merchandise is sold, or in the absence of sales, offered for sale in the home market or, as appropriate, to third countries, to a person, firm, or corporation related to the seller of the merchandise in any of the respects described in Section 207 of the Act (19 U.S.C. 166), the price at which such or similar merchandise is sold or, in the absence of sales, offered for sale to such person, firm or corporation ordinarily will not be used in the determination of fair value.

Section 153.14 Fair value; fictitious sales

In the determination of fair value, no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, will be taken into account.

Section 153.15 Fair value; level of trade

The comparison of the purchase price or exporter's sales price (as defined in Sections 203 and 204, respectively, of the Act (19 U.S.C. 162, 163)), as the case may be, with the applicable price in the home market of the country of exportation (or, as the case may be, the price to or in third country markets) generally will be made at the same commercial level of trade. However if the Secretary finds that the sales of the merchandise to the United States or in the applicable foreign market at the same commercial level of trade are insufficient in number to permit an adequate comparison, the comparison will be made at the nearest comparable commercial level of trade and appropriate adjustments will be made for differences affecting price comparability.

Section 153.16 Fair value; sales at varying prices

Where the prices of the sales which are being examined for a determination of fair value vary (after allowances provided for in Sub-Sections 153.9, 153.10, 153.11, and 153.15), determination of fair value will take into account either the prices of a preponderance of the merchandise, or the weighted averages of the merchandise thus sold. Unless there is a clear preponderance of merchandise sold at the same price, weighted averages of the prices of the merchandise sold will normally be used. If there is not a clear preponderance of the merchandise sold at the same price and weighted averages of the prices of the merchandise sold are determined by the Secretary to be inappropriate, the Secretary will use any method for determining fair value which he deems appropriate.

Section 153.17 Fair value; shipments from intermediate country

If the merchandise is not imported directly from the country of origin, but is shipped to the United States from another country, the price at which such or similar merchandise is sold in the country of origin will be used in the determination of fair value if the merchandise was merely trans-shipped through the country of shipment.

Section 153.18 Merchandise resold in a changed condition

If exporter's sales price (as defined in Section 204 of the Act (19 U.S.C. 163)) is applicable and the imported merchandise is resold to an unrelated United States purchaser in a condition different from that in which it was imported, so long as the changed condition of the imported merchandise is such that it contains more than an insignificant amount, by quantity or value, of the imported merchandise, the Secretary may deduct the amount of any increased value, including additional material and labour, resulting from a process of manufacture or assembly performed on the imported merchandise after importation.

Sub-Part B - Availability of Information

Note: For Treasury Department and Customs Service general provisions relating to availability of information see 31 CFR Part 1, and Part 103 of this chapter.

Section 153.21 Information generally available

In general, all information but not necessarily all documents obtained by the Treasury Department, including the Customs Service, in connexion with any anti-dumping proceeding will be available for inspection or copying by any person. With respect to documents prepared by an officer or employee of the United States, factual matter, as distinguished from recommendations and evaluations contained in any such documents will be made available by summary or otherwise on the same basis as information contained in other documents. Attention is directed to 31 CFR 1.6 relating to fees charged for searching for and providing copies of documents.

Section 153.22 Requests for confidential treatment of information

(a) Submission and contents of requests. Any person who submits information in connexion with an anti-dumping proceeding, including information submitted pursuant to Section 153.26 may request that such information, or any specified part thereof, be granted confidential treatment. Information which is subject to such a request shall be set forth on separate pages; and all such pages shall be clearly marked "Confidential Treatment Requested". Each separate request for confidential treatment shall be accompanied by a full statement of the reason or reasons why the submitting party believes that each piece of information subject thereto is entitled to confidential treatment within the guidelines set forth in Section 153.23. It shall also be accompanied by one of the following:

(1) A summary or approximated presentation of all such information, which is sufficiently full and descriptive; or

(2) A statement by the submitting person that the information is not susceptible to summary or approximation, accompanied by a full statement of the reasons in support of this conclusion, including an explanation of the relevancy of the information in question, to the matter under consideration.

(b) Return of information as a result of non-conforming requests. Any information accompanied by a request for confidential treatment, which does not conform to the foregoing requirements (including the requirement that any summary or approximation be sufficiently full and descriptive) will be returned forthwith to the submitting person, and such information will not be considered in connexion with the anti-dumping proceeding. Such information may be submitted with a new request for confidential treatment which complies with the requirements of this section, and will be dealt with in the same manner as an original submission of information with a request in acceptable form.

(c) Consideration of requests. The Commissioner of Customs (hereafter referred to in this Part as "the Commissioner") or the Secretary will determine pursuant to Section 153.23 whether and to what extent requests for confidential treatment which conform to the specified requirements shall be granted and will also determine whether claims submitted under paragraph (a)(2) of this section shall be accepted.

(d) Treatment of information. If a request for confidential treatment of information is granted, the information covered thereby will not be made available for inspection or copying by any person other than an officer or employee of the United States Government or by a person who has been specifically authorized to receive such information by the person who requested the confidential treatment. If it is determined that:

(1) Any part of the material for which confidential treatment has been requested should be made available for disclosure in whole or in part; or

(2) Information claimed not to be susceptible to summary or approximation is in fact capable of such treatment, the submitting person will be notified. Unless he thereafter agrees that the information (including any summarized or approximated presentation thereof) may be disclosed to any person, or will be summarized or approximated in the case of matters found capable of such treatment, information for which confidential treatment was requested and any summarized or approximated presentation thereof which is deemed to be inadequate shall be returned to the submitting person and none of this material will be considered in connexion with the anti-dumping matter in question.

Section 153.23 Standards for determining whether information will be regarded as privileged or confidential

(a) General. Information ordinarily will be considered to be privileged or confidential if disclosure of the information is likely to have any of the following effects:

(1) To cause substantial harm to the competitive position of the person from whom the information was obtained;

(2) To have a significantly adverse effect upon the person supplying the information or upon the person from whom the information was obtained; or

(3) To impair the Secretary's ability to obtain necessary information in the future.

(b) Information ordinarily regarded as appropriate for disclosure. Except as provided in Section 153.23(c), information ordinarily will be regarded as appropriate for disclosure if it:

- (1) Relates to freely available price information;
- (2) Relates to claimed freely available price allowances for quantity purchases; or
- (3) Relates to freely available claimed differences in circumstances of sale.

(c) Information ordinarily regarded as privileged or confidential. Information ordinarily will be regarded as privileged or confidential if its disclosure would:

- (1) Disclose business or trade secrets;
- (2) Disclose production costs;
- (3) Disclose distribution costs, except to the extent that information on such costs is freely available.
- (4) Disclose the names of particular customers or the price or prices at which particular sales were made; or
- (5) Disclose the names of particular persons from whom privileged or confidential information was obtained, if non-disclosure of the names has been requested and approved under Section 153.26(b).

Sub-Part C - Procedures and Determinations
Under Anti-Dumping Act, 1921, as Amended

Section 153.25 Suspected dumping: information from Customs officers

If any district director of Customs has knowledge of any grounds for a reason to believe or suspect that any merchandise is being, or is likely to be, imported into the United States at a purchase price or exporter's sales price less than the fair value (or, in the absence of such value, then the constructed value), as contemplated by Section 201(b) of the Act (19 U.S.C. 160(b)) and Section 153.1, he shall communicate his belief or suspicion promptly to the Commissioner. Every such communication shall contain or be accompanied by a statement of substantially the same information as is required in Section 153.27, if the district director has such information or if it is readily available to him.

Section 153.26 Suspected dumping: information from persons outside Customs Service

(a) General. Any person outside the Customs Service who has information that merchandise is being, or is likely to be, imported into the United States under such circumstances as to bring it within the purview of the Act, may on behalf of any industry in the United States, communicate such information in writing to the Commissioner.

(b) Confidentiality of names of persons raising question of dumping. The names of persons outside the Customs Service who raise or present a question of dumping, and the name of any principal on whose behalf such a question is raised or presented, ordinarily will be considered information generally available under Section 153.21. Any person outside the Customs Service who raises or presents a question of dumping may request that his name, or the name of his principal, if such person is acting as an agent, be held in confidence. Such request shall be accompanied by a statement of the reasons supporting the need for confidentiality. The Secretary or the Commissioner will determine whether confidentiality of the name or names is appropriate in accordance with Section 153.23.

Section 153.27 Suspected dumping: nature of information to be made available

(a) General. Communications to the Commissioner pursuant to Section 153.26, in order to be considered to have been received in acceptable form and to be sufficient to allege that a particular class or kind of merchandise is being or is likely to be sold in the United States or elsewhere at less than fair value and that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise, should contain the following information, in substantially the form described in paragraphs (a)(1)-(4) of this section

(1) General information

- (i) Name of the petitioner and person, firm or association which applicant represents, if any.
- (ii) Percentage of the total United States production, sales and employment represented by the person, firm or corporation.
- (iii) Indication whether the applicant has filed or is filing for other forms of import relief (e.g. under Sections 201, 221, 251, 301 of the Trade Act of 1974, P.L. 93-618, or Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 2251, 2271, 2341, 2411, or 1337, respectively)), involving the class or kind of merchandise in question.

(2) Description of goods

- (i) A detailed description of the imported merchandise, including technical characteristics and use (supplemented by any available catalogues and illustrations), and upon request by the Customs Service, samples of the imported and competitive domestic articles.
- (ii) Tariff classification of the imported merchandise (if known).
- (iii) The name of the country from which the merchandise is being or is likely to be imported.
- (iv) The name of the foreign manufacturer(s), producer(s), and exporter(s) of the merchandise, if known.
- (v) The ports or probable ports of importation into the United States.

(3) Price Information; fair value

- (i) (A) The home market price in the country of exportation of such or similar merchandise; or, if such price information is not available, (B) the price from the country of exportation to a third country or countries of such or similar merchandise.
- (ii) If the merchandise is being exported from a State-controlled-economy country, the price at which such or similar merchandise of a non-State-controlled-economy country or countries is sold for consumption in the home market of that country or countries or to other countries (including the United State, if such or similar merchandise is not sold or offered for sale in any other non-State-controlled-economy country).
- (iii) If the information required under paragraph (a)(3)(i) is not available, the constructed value (as defined in Section 206 of the Act (19 U.S.C. 165)) of such merchandise in the country of exportation; or, if the class or kind of merchandise in question is exported from a State-controlled-economy country and the information required under paragraph (a)(3)(ii) is not available, the constructed value of similar merchandise in a non-State-controlled-economy country.
- (iv) The export price or, with respect to transactions involving an importer related to the exporter, the price to a non-related purchaser of such merchandise.

- (v) Any information available as to any differences between the home market price or constructed value and the export price or non-related purchaser price which may be accounted for by any difference in taxes, discounts, merchandise, quantity of sales, level of commercial trade, incidental costs such as those for packing or freight, duty or other items.
- (vi) Optional: Any evidence which would tend to indicate that some or all of the sales in the home market are being made at a price which does not reflect the cost of production of the merchandise, and the circumstances under which such sales are made.
- ~~(vii)~~ Optional: Any evidence which would tend to indicate that the prices of such or similar merchandise sold by the production facility in the country of exportation are lower than those of a related production facility in another country, with the names of all related facilities outside the country of exportation and available price information on each such facility. Such evidence should include any appropriate adjustments for the differences in (A) cost of production (including taxes, labour materials and overhead), (B) circumstances of sale, and (C) sales quantities between the two production facilities. (In the absence of a sufficient allegation under this subparagraph, no inquiry pursuant to Section 153.4 and Section 205(d) of the Act (19 U.S.C. 164(d)) will be made.)
- ~~(viii)~~ Such suggestions as the person furnishing the information may have as to specific avenues of investigation to be pursued or questions to be asked in seeking pertinent information.
- (4) Industry information
 - (i) Domestic production, sales and prices over the most recent three-year period for the firm or firms represented by the petitioner and for the industry.
 - (ii) Profitability of the firm or firms represented by the petitioner and of the industry for the most recent three-year period expressed in terms of a ratio to capital or revenue. Comparison to the same ratios in other similar domestic industries and United States industry as a whole.
 - ~~(iii)~~ The capacity utilization of the firm or firms represented by the petitioner and that of the entire industry producing a competitive product.

- (iv) The volume and value of all imports of this merchandise, and the volume and value of imports of the class or kind of merchandise from the country in question, over the most recent three-year period.
- (v) The market share of the alleged less than fair value imports over the most recent three-year period.
- (vi) The effect of the alleged less than fair value sales on the domestic prices (depression or suppression) and, the margin of underselling of the less than fair value imports, i.e. the extent to which the price discrimination permits the foreign exporter to undersell the domestic merchandise.
- (vii) Unemployment of the firm or firms represented by the applicant, and of the entire industry over the most recent three-year period in absolute terms and as compared with United States industry as a whole and other similar industrial (or agricultural) sectors.
- (viii) Capital investment by the firms represented by the applicant and the entire industry over a five-year period.
- (ix) Names and addresses of all United States producers of competitive merchandise and the industry or trade association, if any, with indication of which producers support the application for an anti-dumping investigation.
- (x) Any other factors relevant to possible injury or likelihood of injury to a domestic industry, or prevention of establishment of a domestic industry, such as domestic demand and supply conditions, number of domestic competitors and new entrants in the market domestic productivity, export performance and increased foreign capacity.

(b) Confidentiality of information. Communications to the Commissioner pursuant to Section 153.26 regarding suspected dumping will not be considered to have been received in acceptable form or to be sufficient pursuant to the requirements listed in paragraph (a) of this section unless any documents or information essential to support the petition, for which confidential treatment is requested under Sub-Part B of this Part are accompanied by non-confidential summaries in accordance with Section 153.22(a).

Section 153.28 Adequacy of information

If any information filed pursuant to Section 153.26 does not conform substantially with the requirements of Section 153.27 the Commissioner will return the communication to the person who submitted it with detailed written advice as to the respects in which it does not conform. Resubmission of information in conformity with the requirements of Section 153.27 will be sufficient to form the basis for initiation of an investigation under Section 153.29 and Section 201(c)(1) of the Act (19 U.S.C. 160(c)(1)).

Section 153.29 Initiation of anti-dumping proceeding; preliminary investigation

(a) General. Upon receipt of information pursuant to Sub-Section 153.25 or 153.26 in a form sufficient to allege the facts described in Section 153.27(a), the Commissioner shall conduct a preliminary investigation. If he determines that the information is erroneous, or that merchandise of the class or kind is not being and is not likely to be imported in more than insignificant quantities, or for other reasons determines that further investigation is not warranted, he shall so advise the person who submitted the information and the case shall be closed.

(b) Determination of substantial doubt of injury. If in the course of a preliminary investigation under paragraph (a), the Secretary concludes, from the information available to him, that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of merchandise which allegedly is being or is likely to be sold in the United States or elsewhere at less than its fair value, he shall forward all available information on the question to the United States International Trade Commission. The reasons for such substantial doubt and a preliminary indication, based upon whatever price information is available, concerning alleged sales at less than fair value, including alleged margins of dumping and the volume of trade shall be set forth by the Secretary. If the Commission determines within thirty days after receipt of such information from the Secretary that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, and so advises the Secretary, he shall terminate any investigation then in progress by publishing a "Notice of Termination of Investigation Based on No Likelihood of Injury".

Section 153.30 Anti-dumping proceeding notice

(a) Publication of anti-dumping proceeding notice. If the Secretary has determined that an investigation should be initiated into the question of whether a particular class or kind of merchandise is being or is likely to be sold in the United States at less than its fair value, he shall publish notice of the initiation of such an investigation in the Federal Register. Unless otherwise stated

in the notice, the proceeding will relate to all merchandise of the class or kind in question from an exporting country. This notice, to be referred to as the "Anti-dumping Proceeding Notice", will indicate that information pursuant to Sub-Section 153.25 or 153.26 in a form sufficient to support the allegations required under Section 153.27(a) has been received, and will specify:

- (1) A description of the merchandise involved;
- (2) The date on which information in an acceptable form pursuant to Section 153.27(a) was received for purposes of Section 201(c)(1) of the Act (19 U.S.C. 160(c)(1));
- (3) The fact that there is sufficient evidence on record concerning injury to or likelihood of injury to, or prevention of establishment of an industry in the United States, a general statement as to the nature of such evidence and if it is decided to do so, a statement that the case was referred to the United States International Trade Commission under Section 153.29(b) and Section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)), for a determination as to whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of the subject merchandise into the United States; and
- (4) A summary of the information received. If a person outside the Customs Service raised or presented the question of dumping, his name, or, if he is acting as an agent, the name of his principal, may be included in the notice unless a determination under Section 153.26(b) precludes disclosure of the name.

(b) Time-limit on publication. An "Anti-Dumping Proceeding Notice" issued pursuant to Section 153.30 shall be published in the Federal Register within thirty days after receipt of information pursuant to Section 153.25 or 153.26 in an acceptable form pursuant to Section 153.27(a).

Section 153.31 Full-scale investigation

(a) Initiation of investigation. Upon publication of an "Anti-Dumping Proceeding Notice", the Commissioner shall proceed by a full-scale investigation, or otherwise, to obtain such additional information, if any, as may be necessary to enable the Secretary to reach a determination as provided by Section 153.32. In order to verify the information presented, or to obtain further details, investigations will, where appropriate, be conducted by Customs representatives in foreign countries, unless the country concerned objects to the investigation. If an adequate investigation is not permitted, or if any information deemed necessary is withheld, the Secretary will reach a determination on the basis of such information as is available to him.

(b) Pricing information. Ordinarily the Commissioner will require the foreign manufacturer, producer, or exporter to submit pricing information covering a period of at least 120 days prior to, and sixty days after the first day of the month during which the information pursuant to Section 153.25 or 153.26 was received in acceptable form pursuant to Section 153.27(a). The Commissioner may, however, require the submission of pricing information for such other period as he deems necessary; and he may also require the submission of pricing information on a current basis during the course of an investigation.

(c) Comments from interested persons. During the course of an anti-dumping proceeding, interested persons may make such written submissions as they desire. Appropriate consideration will be given to any new or additional information submitted. The Secretary also may at any time invite any person or persons to supply him orally or in writing with information or argument.

Section 153.32 Determination as to belief or suspicion of the existence of sales at less than fair value - time-limits

Within six months after the date of publication of an "Anti-Dumping Proceeding Notice" the Secretary will make the determination required in sub-section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)). If his determination is affirmative he will publish in the Federal Register a "Withholding of Appraisement Notice" (Section 153.35). If his determination is negative, he will publish a "Notice of Tentative Determination of Sales at Not Less Than Fair Value" (Section 153.34). If his determination is to discontinue a proceeding he will publish a "Notice of Tentative Discontinuance of Anti-Dumping Investigation" (Section 153.33). If in the course of an investigation the Secretary concludes that the determination required in sub-section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)) cannot reasonably be made within six months, he will publish an appropriate notice to this effect in the Federal Register stating the reasons for his conclusion, and that the determination will be made within nine months after the publication of the "Anti-Dumping Proceeding Notice".

Section 153.33 Discontinuance of anti-dumping investigation

(a) Price assurances, termination of sales or other circumstances. Whenever the Secretary is satisfied during the course of an anti-dumping investigation that:

(1) The possible margins of dumping involved are minimal in relation to the volume of exports of the merchandise in question, price revisions have been made which eliminate any likelihood of present sales at less than fair value, and assurances have been received which eliminate any likelihood of sales at less than fair value in the future; or

(2) Sales to the United States of the merchandise have terminated and will not be resumed and assurances have been received to this effect; or

(3) There are other circumstances on the basis of which it may no longer be appropriate to continue an anti-dumping investigation, the Secretary may publish a "Notice of Tentative Discontinuance of Anti-Dumping Investigation" in the Federal Register.

(b) Notice of Tentative Discontinuance of Anti-Dumping Investigation. If it appears to the Secretary that discontinuance of the anti-dumping investigation may be warranted, he will publish a "Notice of Tentative Discontinuance Anti-Dumping Investigation" in the Federal Register which will include the elements described in Section 153.39. In the case of investigations tentatively discontinued pursuant to paragraph (a)(2) of this section, the notice will identify the manufacturers, producers, or exporters who have furnished appropriate assurances. The notice will also state that interested persons shall be given the opportunity to present their views under the procedure set forth in Section 153.40. The tentative acceptance of price assurances or of assurances of termination of sales to the United States, by publication of a "Notice of Tentative Discontinuance of Anti-Dumping Investigation" and price revisions or the termination of sales to the United States will not prevent the Secretary from issuing a "Withholding of Appraisement Notice" and from making a "Determination of Sales at Less than Fair Value" in any case where he considers such action appropriate.

(c) Statement concerning assurances. Assurances provided for in paragraph (a) of this section shall be in substantially the following form:

I hereby certify that I am.....
(an officer)

..... of
(attorney-in-fact)

.....
(name of foreign manufacturer, producer or exporter)

and am authorized on behalf of.....
.....
(name of foreign manufacturer, producer, or exporter)

to give assurances that (select the applicable provision:

1. All future sales of.....by
(commodity)

.....
(name of foreign manufacturer, producer, or exporter)

for exportation to the United States shall be made at prices which are not less than fair value within the meaning of the Anti-Dumping Act, 1921, as amended (19 U.S.C. 160, et seq.) and that.....

.....
(name of foreign manufacturer, producer, or exporter)

shall make a report to the Commissioner of Customs which shall contain or be accompanied by the information required by Section 153.33(f) of the Customs Regulations (19 CFR 153.33(f)) for such period of time and at such intervals as the Secretary may deem appropriate and shall co-operate in allowing whatever verification of such information is deemed necessary by the Secretary; or

2. All sales of.....by
(commodity)

.....
(name of foreign manufacturer, producer, or exporter)

for exportation to the United States have terminated and shall not be resumed.

.....
(Officer or Attorney-in-fact)

(d) Final discontinuance. Within three months after publication of a "Notice of Tentative Discontinuance of Anti-Dumping Investigation", the Secretary will determine whether final discontinuance is warranted and if he determines that it is warranted, publish a "Notice of Discontinuance of Anti-Dumping Investigation" in the Federal Register.

(e) Final discontinuance after issuance of a "Withholding of Appraisement Notice" or a "Tentative Determination of Sales at Not Less Than Fair Value". The procedures specified in paragraphs (b) and (d) of this section shall not apply if the decision to issue a "Notice of Discontinuance of Anti-Dumping Investigation" is made by the Secretary after a "Withholding of Appraisement Notice" or "Tentative Determination of Sales at Not Less than Fair Value" has been issued and thereafter he has afforded interested persons an opportunity to be heard pursuant to the provisions of Section 153.40. In lieu thereof a "Notice of Discontinuance of Anti-Dumping Investigation" containing a statement of reasons will be published within three months after publication of the "Withholding of Appraisement Notice" or "Tentative Determination of Sales at Not Less than Fair Value".

(f) Periodic reports by foreign exporters. Whenever an investigation has been discontinued by the Secretary on the basis of price assurances, the foreign manufacturer, producer, or exporter of the merchandise which was the subject of the discontinued investigation shall thereafter make a report to the Commissioner for

such period of time and at such intervals as the Secretary may deem appropriate. The periodic reports to the Commissioner generally shall, as determined by the Secretary contain or be accompanied by the following:

(1) Prices at, and the terms and conditions on which, the merchandise is being sold for export to the United States and in the applicable foreign market (or information regarding constructed value as set forth in Section 206 of the Act (19 U.S.C. 165));

(2) Published price lists, if any;

(3) Information regarding discounts, quantities involved on a per sale basis, shipping charges, packing costs, and other circumstances of sales in the two markets under consideration;

(4) Information regarding differences in cost of manufacturer where similar merchandise is compared pursuant to Section 153.11; and

(5) Such other information which the Secretary deems appropriate.

(g) Reopening of discontinued investigation. In the event that the Secretary determines, subsequent to the discontinuance of an investigation pursuant to paragraph (d) of this section, that there are reasonable grounds to believe or suspect that there are or are likely to be sales to the United States at less than fair value, he will reopen the investigation by publishing forthwith in the Federal Register a "Withholding of Appraisement Notice" with respect to the merchandise. If, prior to the discontinuance of the investigation, importers and exporters concerned had requested a six-month withholding of appraisement pursuant to Section 153.35(b), when the investigation is reopened the Secretary may withhold appraisement for six months. If no such requests have been received, the Secretary may withhold appraisement pursuant to Section 153.35(a) and may issue a "Determination of Sales at Less than Fair Value". If the withholding of appraisement is for six months, it may be made effective with respect to merchandise entered, or withdrawn from warehouse, for consumption not more than ninety days before the date of publication of the "Withholding of Appraisement Notice". Whenever an investigation is reopened, interested persons will be given the opportunity to present their views pursuant to Section 153.40.

(h) Termination of discontinued investigations. The Secretary may either upon his own initiative or upon the request by a foreign manufacturer, producer, or exporter or by a United States importer of the merchandise concerned, consider terminating a discontinued investigation. Consideration of termination will occur when the Secretary determines that an appropriate period of time has elapsed after the issuance of a "Notice of Discontinuance of Anti-Dumping Investigation". Generally such time period will be two years, but the Secretary may determine that a longer or shorter period of time is appropriate.

(1) When the Secretary is satisfied that termination of a discontinued investigation is appropriate, he will publish a "Notice of Tentative Termination of Anti-Dumping Investigation" in the Federal Register. The notice will set forth those elements required under Section 153.39, and will state that interested persons shall be given the opportunity to present their views under the procedure set forth in Section 153.40.

(2) As soon as possible thereafter the Secretary will determine whether final termination is warranted and if he so determines, will publish a "Notice of Termination of Anti-Dumping Investigation" in the Federal Register. Otherwise, a notice setting forth the reasons why final termination is not warranted will be published in the Federal Register.

(1) Re-entry into the United States market. Foreign manufacturers, producers, or exporters whose merchandise has been the subject of a final discontinuance based upon assurances of termination of sales to the United States under paragraph (a)(2) of this section, may petition the Secretary to permit them to resume sales of the merchandise without having such resumption of sales constitute a violation of any assurances given. Such permission may be granted if the Secretary determines that sales to the United States have been terminated for a significant period of time, ordinarily at least two years, and if the manufacturers, producers, or exporters concerned provide assurances, in the form prescribed in paragraph (c) of this section, that there will be no sales of the merchandise at less than fair value. Manufacturers, producers, or exporters re-entering the United States market may be required to submit periodic reports, as described in paragraph (f) of this section, for whatever period of time the Secretary deems appropriate, and will be subject to the provisions in paragraph (g) of this section. Notice of any decision to grant such permission will be published in the Federal Register.

Section 153.34. Negative determination

(a) Notice of Tentative Determination of Sales at Not Less Than Fair Value. If it appears to the Secretary that there is no reason to believe or suspect from the information presented to him, that sales are at less than fair value, and that it is appropriate to issue a "Tentative Determination of Sales at Not Less Than Fair Value", he will publish such a notice in the Federal Register, which will include the elements described in Section 153.39. Opportunity to present views will be provided pursuant to Section 153.40.

(b) Quantities involved and differences in price. Merchandise will not be deemed to have been sold at less than fair value unless the quantity involved in the sale or sales to the United States, or the differences between the purchase price or the exporter's sales price and the fair value, as the case may be, is more than insignificant.

(c) Final determination. Within three months after publication of a "Tentative Determination of Sales at Not Less than Fair Value", the Secretary will determine whether a final negative determination is warranted and, if he determines that it is warranted, will publish a "Determination of Sales at Not Less than Fair Value" in the Federal Register.

(d) Negative determination after issuance of a "Withholding of Appraisement Notice" or a "Notice of Tentative Discontinuance of Anti-Dumping Investigation". The procedure specified in paragraphs (a) and (c) of this section shall not apply if the decision to issue a negative determination is made by the Secretary after a "Withholding of Appraisement Notice" or a "Notice of Tentative Discontinuance of Anti-Dumping Investigation" has been issued and thereafter he has afforded interested persons an opportunity to be heard pursuant to the provisions of Section 153.40. In lieu thereof, a "Determination of Sales at Not Less Than Fair Value", which will set forth the statement of reasons therefor, shall be published within three months after publication of the "Withholding of Appraisement Notice" or "Notice of Tentative Discontinuance of Anti-Dumping Investigation".

Section 153.35 Withholding of appraisement

(a) Three-month period. If the Secretary determines, with regard to the class or kind of merchandise in question, that there is reason to believe or suspect that the purchase price is less, or that the exporter's sale price is less or is likely to be less than the fair value of such or similar merchandise, and if there is evidence on record concerning injury or likelihood of injury to or prevention of establishment of an industry in the United States, he shall publish notice of these facts in the Federal Register in a "Withholding of Appraisement Notice", containing all the elements described in Section 153.39. Additionally, the notice shall indicate (1) the expiration date of the notice (which shall be no more than three months from the date of publication of the notice in the Federal Register, unless a longer period of withholding of appraisement has been requested pursuant to paragraph (b) of this section and approved by the Secretary), and (2) any foreign manufacturers, producers, or exporters of the merchandise concerned who are excluded pursuant to Section 153.38. This withholding or appraisement notice will be issued concurrently with the Secretary's determination pursuant to Section 153.36, unless appraisement is being withheld pursuant to paragraph (b) of this section.

(b) Six-month period. At any time prior to the issuance of the "Withholding of Appraisement Notice" referred to in paragraph (a) of this section, an importer and an exporter concerned may request that the period of withholding of appraisement extend for a period longer than three months but in no case longer than six months. Upon receipt of such a request the Secretary will decide whether appraisement should be withheld for a period longer than three months. If the Secretary decides that a period of withholding of appraisement longer than three months is justified, he will publish a "Withholding of Appraisement Notice" upon the same

basis and containing information of the same type as is required by paragraph (a) of this section, except that the expiration date of the notice may be six months from the date of publication of the notice in the Federal Register.

(c) Advice to the district directors of Customs. The Commissioner shall advise all district directors of Customs of the Secretary's action. Upon receipt of such advice each district director of Customs shall proceed to withhold appraisement in accordance with the pertinent provisions of Section 153.48.

(d) Retroactive withholding of appraisement. In the event the Secretary issues a "Withholding of Appraisement Notice" pursuant to paragraph (a) or (b) of this section, the Secretary, in such circumstances as he deems appropriate, may specify as the effective date of such notice a date prior to the date of publication of the "Withholding of Appraisement Notice". For example, such action would appear to be appropriate when appraisement is withheld regarding a class or kind of merchandise as to which a dumping finding has been revoked, at least in part on the basis of price assurances, and the Secretary concludes such situation reflects a history or pattern of below fair value sales.

Section 153.36 Affirmative determination

If it appears to the Secretary on the basis of the information before him that foreign merchandise is being or is likely to be sold in the United States at less than its fair value, and that a determination to that effect is required, unless a "Withholding of Appraisement Notice" was published pursuant to Section 153.35(b), he will publish in the Federal Register a "Determination of Sales at Less Than Fair Value". This determination will include all of the elements described in Section 153.39.

Section 153.37 Affirmative determination; appraisement withheld pursuant to Section 153.35(b)

(a) General. If within three months of the publication of a "Withholding of Appraisement Notice" pursuant to Section 153.35(b), it appears to the Secretary on the basis of the information before him that foreign merchandise is being or is likely to be sold in the United States at less than its fair value, and that a determination to that effect is required, he will publish his "Determination of Sales at Less Than Fair Value." This determination will contain the information required under Section 153.39.

(b) Affirmative determination after issuance of a "Notice of Tentative Determination of Sales at Not Less Than Fair Value" or a "Notice of Tentative Discontinuance of Anti-Dumping Investigation". The procedure specified in paragraph (a) of this section shall not apply if the decision to issue an

affirmative determination is made by the Secretary after a "Notice of Tentative Determination of Sales at Not Less Than Fair Value" or a "Notice of Tentative Discontinuance of Anti-Dumping Investigation" has been issued and thereafter he has afforded interested persons an opportunity to be heard pursuant to the provisions of Section 153.40. In lieu thereof, a "Determination of Sales at Less Than Fair Value", which will set forth the statement of reasons therefor, will be published within three months after publication of the "Notice of Tentative Determination of Sales at Not Less Than Fair Value" or a "Notice of Tentative Discontinuance of Anti-Dumping Investigation".

Section 153.38 Exclusions from a "Withholding of Appraisement Notice", a "Determination of Sales at Less Than Fair Value", or a "Finding of Dumping" and Partial Discontinuance

The Secretary may exclude one or more foreign manufacturers, producers or exporters from a "Withholding of Appraisement Notice" or a "Determination of Sales at Less Than Fair Value" or discontinue the investigation with respect to one or more manufacturers, producers or exporters if (i) he finds that all examined exports of the merchandise in question to the United States by the manufacturer, producer, or exporter in question during the period under consideration were made at prices not less than the fair value of the merchandise concerned, or (ii) he is satisfied during the course of the investigation that the possible margins of dumping are minimal in relation to the volume of exports of the merchandise in question by such manufacturer, producer, or exporter, price revisions have been made which eliminate any likelihood of present sales at less than fair value, and assurances have been received which eliminate any likelihood of sales at less than fair value in the future; respectively. Usually, information on 100 per cent of the exports in question will be required to be submitted to support a request for exclusion or discontinuance. In exceptional cases the Secretary may determine that examination of a lesser percentage (never less than 75 per cent) is adequate. If a manufacturer, producer, or exporter wishes to be considered for exclusion or discontinuance, he must submit information on his sales to permit such consideration by the Secretary, whether or not information on his sales has been requested by the Commissioner. The Secretary also may exclude or discontinue from the investigation a foreign manufacturer, producer, or exporter, who was not excluded or as to whom the investigation was not discontinued, from a "Determination of Sales at Less Than Fair Value", from a "Finding of Dumping", provided the information necessary to support such exclusion or discontinuance is received, verified and analyzed by the Department of the Treasury in time to be considered by the United States International Trade Commission in making its injury determination. Companies not excluded or as to which the investigation was not discontinued under this section will become subject to a finding of dumping, should one be issued, and must thereafter petition for a revocation pursuant to Section 153.44 in order to be excluded from such finding.

Section 153.39 Content of determinations

Whenever the Secretary makes any tentative or final determination or issues a "Withholding of Appraisement Notice", pursuant to the provisions of this sub-part, he shall include in the notice of such determination published in the Federal Register the following information:

- (a) A description of the merchandise involved;
- (b) The name of the country of exportation;
- (c) If practicable, the name of the manufacturer(s), producer(s), or exporter(s);
- (d) The date of the receipt of the information in acceptable form pursuant to the requirements of Section 153.27; and
- (e) A complete statement of findings and conclusions, and the reasons of bases therefor, on all the material issues of fact or law presented (consistent with requirements of confidentiality under sub-part B of this part).

Section 153.40 Opportunity to present views

Pursuant to publication in the Federal Register of a "Withholding of Appraisement Notice", any other notice of tentative disposition of an anti-dumping investigation, or a notice of tentative modification or revocation of a dumping finding, the Secretary shall, at the request of any interested person, conduct a hearing and shall provide an opportunity to present views in writing as set forth in this section. Where no request has been made for a withholding of appraisement under Section 153.35(b), and it appears that a withholding of appraisement may be required, persons known to be interested will be so informed in sufficient time so they may request that a hearing be held before simultaneous publication of the "Notice of Withholding of Appraisement" and "Determination of Sales at Less Than Fair Value".

- (a) Oral. At any hearing conducted by the Secretary:
 - (1) Any interested person shall have the right to appear by counsel or in person; and
 - (2) Any other person, firm, or corporation may make application and, upon good cause shown, may be allowed by the Secretary to intervene and appear at such hearing by counsel or in person.

Note: "Interested person" as used in this section means any foreign manufacturer, producer, or exporter, any domestic importer of the foreign merchandise in question, and any domestic manufacturer, producer, or wholesaler of merchandise of the same class or kind as is the subject of the anti-dumping proceeding. All requests for hearings shall be accompanied by a statement outlining the issues which the person wishes to discuss. With respect to a "Withholding of Appraisement Notice" issued pursuant to Section 153.35(a), such hearing ordinarily will be held within three weeks of the date of the request unless it is clearly impracticable to do so. In all other cases the hearing will normally be held within five weeks of the publication of the "Withholding of Appraisement Notice", or other notice of the tentative disposition of an anti-dumping investigation, a notice of tentative modification or revocation of a dumping finding, or a notice of any other tentative action under this part. Reasonable notice of the hearing will be given to all interested persons of record. One week prior to such a hearing, pre-hearing briefs shall be submitted to the Secretary and the Commissioner and exchanged among interested persons. Persons will be restricted, in their oral presentations, to issues raised in this pre-hearing brief. Any person not submitting such a brief ordinarily will be restricted to rebuttal of points made by other persons. Ordinarily, the presiding officer at a hearing will provide an opportunity for the submission of post-hearing briefs, within the time-limits prescribed at the hearing. The Secretary may at any time invite any person or persons to supply him orally with information or argument. The hearings provided for under this section shall be exempt from the provisions of 5 U.S.C. 554, 555, 556, 557, and 702. The transcript of any hearing, together with all information developed in connexion with the investigation (other than items to which confidential treatment has been granted by the Secretary), shall be made available in the manner and to the extent provided in 5 U.S.C. 552; 31 CFR part 1; Part 103, of this chapter, and subpart B of this part.

(b) Written. Any person may make such written submissions as he desires, within a period which will be specified in the notice, with respect to the contemplated action. Appropriate consideration will be given to any additional information or argument submitted.

Section 153.41 Referral to United States International Trade Commission

Whenever the Secretary makes a determination of sales at less than fair value, he shall so advise the United States International Trade Commission.

Section 153.42 Revocation of determination of sales at less than fair value; determination of sales at not less than fair value

If the Secretary is persuaded from information submitted or arguments received that his determination of sales at less than fair value was in error, and if the United States International Trade Commission has not yet issued a

determination relating to injury he will publish a notice of "Revocation of Determination of Sales at Less Than Fair Value and Determination of Sales at Not Less Than Fair Value", or if appropriate, a notice of "Modification of Determination of Sales at Less Than Fair Value", which notice will set forth a description of the merchandise involved and state the reasons upon which it was based. The Secretary will notify the United States International Trade Commission of his action.

Section 153.43 Dumping finding

If the United States International Trade Commission determines that there is, or is likely to be, the injury contemplated by the statute, the Secretary will make the finding contemplated by section 201(a) of the Act (19 U.S.C. 160(a)), with respect to the merchandise involved.

Section 153.44 Modification or revocation of finding

(a) Application to modify or revoke. An application for the modification or revocation of any finding, based upon the absence or termination of sales at less than fair value, may be submitted in writing to the Commissioner, together with detailed information demonstrating that any sales at less than fair value have been terminated for a substantial period of time, and assurances that there will be no future sales at less than fair value. Ordinarily, such an application will not be considered unless sales at less than fair value have not existed for at least two years from the date of publication in the Federal Register of a dumping finding, or at least two years subsequent to the date of publication of a "Withholding of Appraisement Notice", in situations where the sample of sales examined of companies actually investigated during the anti-dumping investigation revealed no less than fair value margins (but the company or companies did not qualify for exclusion under Section 153.38), or where the company or companies were not actually investigated during the anti-dumping investigation.

(b) Modification or revocation by Secretary. The Secretary may, on his own initiative, modify or revoke a finding of dumping which has been in effect for at least four years if he is satisfied that there is no likelihood of resumption of sales at less than fair value of the merchandise concerned.

(c) Notice of modification or revocation of finding. If it appears to the Secretary from an application filed pursuant to paragraph (a) of this section, or from his own determination under paragraph (b) of this section, that a modification or revocation of an existing dumping finding may be appropriate, he will publish a "Notice of Tentative Determination to Modify or Revoke Dumping Finding", which will include all of the elements required under Section 153.39. Opportunity for interested persons to present views will be provided pursuant to Section 153.40.

(d) Final determination. As soon as possible after publication of a "Notice of Tentative Determination to Modify or Revoke Dumping Finding", the Secretary will determine whether final modification or revocation is warranted. In cases where an application for a modification or revocation is based on no sales at less than fair value for at least two years subsequent to the date of publication of the dumping finding, the Secretary may determine a final modification or revocation is warranted only if such company also provides information showing no sales at less than fair value up to the date of publication of the "Notice of Tentative Determination to Modify or Revoke Dumping Finding". If he determines that a modification or revocation of a dumping finding is warranted, he will publish a "Notice of Modification or Revocation of Dumping Finding". If he determines otherwise, he will publish a notice setting forth his decision and the reasons therefor. Ordinarily a modification or revocation of a dumping finding under this paragraph will be effective with respect to all merchandise which is the subject of the modification or revocation, entered, or withdrawn from warehouse, for consumption on or after the date on which the "Notice of Tentative Determination to Modify or Revoke Dumping Finding" is published in the Federal Register. The appraisement of all merchandise which is the subject of a tentative modification or revocation and which is entered, or withdrawn from warehouse, for consumption on or after the date of publication of the "Notice of Tentative Determination to Modify or Revoke Dumping Finding", will be ordered withheld pending the final determination on revocation.

(e) Modification or revocation on Secretary's initiative. In unusual circumstances, the Secretary may, on his own initiative, modify or revoke a dumping finding without publishing a "Notice of Tentative Determination to Modify or Revoke Dumping Finding" pursuant to paragraph (c) of this section.

(f) Modification or revocation of finding based upon injury reconsideration.
(Reserved)

Section 153.45 Publication of notices, determinations, and findings

Each determination, whether tentative or final and whether in the affirmative or in the negative, each finding, and any modification or revocation of any of the foregoing, made under this part, will be published in the Federal Register. Additionally, each finding, and any modification or revocation thereof, will be published in the weekly Customs Bulletin.

Section 153.46 List of current findings

The following findings of dumping are currently in effect:

Findings of Dumping

Merchandise	Country	TD	Modified by
Portland cement, other than white, non-staining portland cement	Sweden	55-369	
	Belgium	55-428	
Portland gray cement	Portugal	55-501	
Portland cement, other than white, non-staining portland cement	Dominican Republic	55-883	
Steel reinforcing bars	Canada	56-150	
Carbon steel bars and structural shapes	Canada	56-264	
Steel jacks	Canada	66-191	
Cast iron soil pipe	Poland	67-252	
Titanium sponge	USSR	68-212	
Pig-iron	USSR	68-261	
Pig-iron	Czechoslovakia	68-262	
Pig-iron	East Germany	68-263	
Pig-iron	Romania	68-264	
Potassium chloride, otherwise known as muriate of potash, except that produced and sold by US Borax Chemical Co., Kalium, Saskatchewan, Canada; Kalium Chemicals, Ltd., Regina, Saskatchewan, Canada; Potash Co. of Canada Ltd., Lanigan, Saskatchewan, Canada; Potash Co. of America, Saskatoon, Saskatchewan, Canada; International Minerals and Chemical Corp., Libertyville, Ill., US; and CF Industries Inc., Chicago, Ill., USA	Canada	69-265	74-157
Aminoacetic acid (glycine)	France	70-71	
Steel bars, reinforcing bars and shapes manu- factured by the Broken Hill Proprietary Co., Ltd., Melbourne, Australia.	Australia	70-81	
Whole dried eggs	Holland	70-198	
Tuners (of the type used in consumer electronic products), except: (I) those produced and sold by Matsushita Electric Industrial Co., Ltd., Matsushita Trading Co., Ltd., (II) those produced and sold by Victor Co. of Japan, Ltd., and (III) those produced and sold by Tokyo Shibaura Electric Co. Ltd.	Japan	70-257	76-143
Television receiving sets, monochrome and colour, except sets produced and sold by Sony Corp. of Japan.	Japan	71-76	75-40

Findings of Dumping (cont'd)

Merchandise	Country	TD	Modified by
Ferrite cores (of the type used in consumer electronic products)	Japan	71-84	
Ceramic wall tile, except that produced and sold by Pilkington's Tiles Sales Ltd., Manchester, England	United Kingdom	71-129	74-169
Clear plate and float glass	Japan	71-130	
Clear sheet glass	Japan	71-131	
Pig iron	West Germany	71-192	
Pig iron, except that produced and sold by Quebec Iron & Titanium Corp., Sorel, Quebec, Canada	Canada	71-193	75-107
Pig iron	Finland	71-194	
Clear sheet glass	Taiwan	71-226	
Tempered sheet glass	Japan	71-247	
Clear sheet glass weighing over 28 oz/ft ²	France	71-293	
Clear sheet glass weighing over 16 oz/ft ²	Italy	71-294	
Clear sheet glass weighing over 28 oz/ft ²	West Germany	71-295	
Ice cream sandwich wafers	Canada	72-77	
Diamond tips for phonograph needles	United Kingdom	72-91	
Fish netting of man-made fibres	Japan	72-158	
Large power transformers	France	72-160	
Large power transformers	Italy	72-161	
Large power transformers	Japan	72-162	
Large power transformers	Switzerland	72-163	
Large power transformers, except those produced and sold by Ferranti, Ltd., Manchester, England; Hawker Siddley Electric Export Ltd., London, England; and Parsons Peebles Power Transformers, Ltd., Edinburgh, Scotland	United Kingdom	72-164	76-102
Asbestos cement pipe	Japan	72-178	
Elemental sulphur	Mexico	72-179	
Cadmium	Japan	72-206	
Instant potato granules	Canada	72-263	
Dry-cleaning machinery	West Germany	72-311	
Bicycle speedometers	Japan	72-322	
Canned Bartlett pears	Australia	73-84	
Roller chain, other than bicycle	Japan	73-100	
Stainless steel plate, except shipments by Stora Kopparbergs Bergslags AB, Falun, Sweden	Sweden	73-157	
Synthetic methionine	Japan	73-188	

Findings of Dumping (cont'd)

Merchandise	Country	TD	Modified by
Printed vinyl film	Brazil	73-232	
Printed vinyl film	Argentina	73-233	
Stainless steel wire rods, except those produced by Creusot-Loire of Paris, France	France	73-243	
Steel wire rope, except brass electroplated steel truck tyre cord of cable construction	Japan	73-296	
Polycholoprene rubber	Japan	73-333	
Elemental sulphur, except shipments produced and sold by Texasgulf, Inc., and Canadian Occidental Petroleum, Ltd.	Canada	74-1	
Expanded metal, of base metal	Japan	74-29	
Calcium pantothenate, except shipments produced and sold by Fuji Chemical Industries, Ltd.	Japan	74-34	
Racing plates (aluminium horseshoes)	Canada	74-77	
Picker sticks	Mexico	74-166	
Electric golf cars	Poland	75-288	
Birch 3-ply doorskins	Japan	76-48	

Sub-Part D - Action by District Director of Customs

Section 153.48 Action by the district director of Customs

(a) Appraisal withheld; notice to importer. Upon receipt of advice from the Commissioner pursuant to Section 153.35, district directors of Customs shall withhold appraisement as to merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the "Withholding of Appraisement Notice", unless the Secretary's "Withholding of Appraisement Notice" specifies a different effective date. Each district director of Customs shall notify the importer, consignee, or agent immediately of each lot of merchandise with respect to which appraisement is so withheld. Such notice shall indicate: (1) the rate of duty of the merchandise under the applicable item of the Tariff Schedules of the United States (19 U.S.C. 1202) if known; and (2) the estimated margin of the special dumping duty that could be assessed. Upon advice of a finding made in accordance with section 153.43, the district director of Customs shall give immediate notice thereof to the importer when any shipment subject thereto is imported after the date of the finding and information is not on hand for completion of the appraisement of such shipment.

(b) Request to proceed with appraisalment. If, before a finding of dumping has been made, or before a case has been closed without a finding of dumping, the district director of Customs is satisfied by information furnished by the importer or otherwise that the purchase price or exporter's sales price, in respect of any shipment is not less than the foreign market value (or, in the absence of such value, than the constructed value), the district director shall so advise the Commissioner and request his authorization to proceed with his appraisalment of that shipment in the usual manner.

Section 153.49 Reimbursements of dumping duties

(a) General. In calculating purchase price or exporter's sales price, as the case may be, there shall be deducted the amount of any special dumping duties which are, or will be, paid by the manufacturer, producer, seller, or exporter, or which are, or will be, refunded to the importer by the manufacturer, producer, seller, or exporter, either directly or indirectly, but a warranty of non-applicability of dumping duties entered into before the initiation of the investigation, will not be regarded as affecting purchase price or exporter's sales price if it was granted to an importer with respect to merchandise which was:

- (1) Purchased, or agreed to be purchased, before publication of a "withholding of Appraisalment Notice" with respect to such merchandise, and
- (2) Exported before a determination of sales at less than fair value is made.

(b) Statement concerning reimbursement. Before proceeding with appraisalment of any merchandise with respect to which dumping duties are found to be due, the district director of Customs shall require the importer to file a written statement in the following form:

I hereby certify that I (have) (have not) entered into any agreement or understanding for the payment or for the refunding to me, by the manufacturer, producer, seller, or exporter of all or any part of the special dumping duties assessed upon the following importations

of from
(commodity) (country)

(List entry numbers) which have been purchased on or

after
(date of publication of withholding in Federal Register)

or purchased before but exported on or
(same date)

after
(date of determination of sales at less than fair value)

A certificate will be required for all merchandise that is unappraised on the date that the finding of dumping is issued. Thereafter, a separate certificate will be required for each additional entry.

Section 153.50 Release of merchandise; bond.

When the district director of Customs in accordance with Section 153.35(c) has received a notice of withheld appraisement or when he has been advised of a finding provided for in Section 153.43, and so long as such notice or finding is in effect, he shall withhold release of any merchandise of a class or kind covered by such notice or finding which is then in his custody or is thereafter imported unless an appropriate bond is filed or is on file, as specified in Section 153.51, or unless the merchandise covered by a specific entry will be appraised without regard to the Act.

Section 153.51 Type of bond required

(a) General. If the merchandise is of a class or kind covered by a notice of withheld appraisement provided for in Section 153.48(a) or by a finding provided for in Section 153.43, a single consumption entry bond covering the shipment, in addition to any other required bond, shall be furnished by the person making the entry or withdrawal unless:

(1) A bond is required under paragraph (b) of this section; or

(2) In cases in which there is no requirement under paragraph (b) of this section, the district director of Customs is satisfied that the bond under which the entry was filed is sufficient. The face amount of any additional bond required under this paragraph shall be sufficient to assure payment of any special duty that may accrue by reason of the Act, but in no case shall be less than \$100.

(b) Bond on Customs Form 7591. If the merchandise is of a class or kind covered by a finding provided for in Section 153.43 and the resale price in the United States is unknown, the bond required by section 208 of the Act (19 U.S.C. 167), shall be on Customs Form 7591. In such case, a separate bond shall be required for each entry or withdrawal, and such bond shall be in addition to any other bond required by law or regulation. The record of sales required under the conditions of the bond on Customs Form 7591 shall identify the entry covering the merchandise and show the name and address of each purchaser, each selling price, and the date of each sale. The face amount of such bond shall be equal to the estimated value of the merchandise covered by the finding.

Section 153.52 Conversion of currencies

(a) Rule for conversion. In determining the existence and amount of any difference between the purchase price or exporter's sales price and the fair value or foreign market value (or, in the absence of such value, the constructed value) for the purposes of Sub-Section 153.1 through 153.7 of this part, or of section 201(b) or 202(a) of the Act (19 U.S.C. 160(b), 161(a)), any necessary conversion of a foreign currency into its equivalent in United States currency shall be made in accordance with the provisions of section 522 of the Tariff Act of 1930, as amended (31 U.S.C. 372) and Part 159, sub-part C of this chapter:

(1) As of the date of purchase or agreement to purchase, if the purchase price is an element of the comparison; or (2) as of the date of exportation, if the exporter's sales price is an element of the comparison.

(b) Special rule for fair value investigations. For purposes of fair value investigations, manufacturers, exporters, and importers concerned will be expected to act within a reasonable period of time to take into account price differences resulting from sustained changes in prevailing exchange rates. Where prices under consideration are affected by temporary exchange rate fluctuations, no differences between the prices being compared resulting solely from such exchange rate fluctuations will be taken into account in fair value investigations.

Section 153.53 Dumping duty

(a) Rule for assessment. A special dumping duty shall be assessed on all importations of merchandise, whether dutiable or free, of a class or kind as to which the Secretary has made public a finding of dumping, entered or withdrawn from warehouse, for consumption, normally on or after the effective date of withholding of appraisement, but in no case more than 120 days before the question of dumping was raised by or presented to the Secretary provided that the particular importation has not been appraised prior to the publication of such finding, and the district director of Customs has determined that the purchase price of exporter's sales price is less than the foreign market value or constructed value, as the case may be. The date on which the question of dumping was raised by or presented to the Secretary will be the date on which information in an acceptable form pursuant to Section 153.27(a) was received for purposes of section 201(c)(1) of the Act (19 U.S.C. 160(c)(1)).

(b) Entered value not controlling. The fact that the importer has added on entry, the difference between the purchase price or the exporter's sales price and the foreign market value or constructed value and the district director of Customs has approved the resulting entered value shall not prevent the assessment of the special dumping duty.

Section 153.54 Timely submission of information for dumping appraisement purposes.

Following the issuance of a finding of dumping, information necessary for the assessment of special dumping duties must be submitted as promptly as possible to the Commissioner, in such form as he may require, for entries made from the date of publication of the "Withholding of Appraisement Notice" to the date of the issuance of a finding of dumping pursuant to the Act (19 U.S.C. 160, et seq.). Thereafter, the necessary information shall be provided regularly on a periodic basis. If adequate information is not submitted in timely fashion, assessment may be based upon the best information available.

Section 153.55 Notice to importer.

Before the special dumping duty is assessed, the district director of Customs shall notify the importer, his consignee, or agent of the appraisement of the merchandise, as in the case of an advance in value.

Section 153.56 Dumping duty; samples.

If the necessary conditions are present, the special dumping duty shall be assessed on samples imported for the purpose of taking orders and making sales in this country.

Section 153.57 Method of computing dumping duty.

If it appears that the merchandise has been purchased by a person not the exporter within the meaning of section 207 of the Act (19 U.S.C. 166), where purchase price is less than foreign market value, the special dumping duty shall equal the difference between the purchase price and the foreign market value on the date of purchase, or agreement to purchase, or if there is no foreign market value, between the purchase price and the constructed value, any foreign currency involved being converted into United States currency as of the date of purchase or agreement to purchase. If it appears that the merchandise is imported by a person who is the exporter within the meaning of section 207 of the Act (19 U.S.C. 166), where the exporter's sales price is less than foreign market value, the special dumping duty shall equal the difference between the exporter's sales price and the foreign market value on the date of exportation, or, if there is no foreign market value, between the exporter's sales price and the constructed value, any foreign currency involved being converted into United States currency as of the date of exportation.

Subpart E - Antidumping Review Procedures

Section 153.64 Antidumping protest procedures.

(a) Protests. Protests relating to assessment of special dumping duties under the Act, shall be made in the same manner as protests relating to ordinary Customs duties.

(b) Review of negative determinations. Within 30 days after publication of a "Determination of Sales at Not Less Than Fair Value", an American manufacturer, producer or wholesaler of the same class or kind of merchandise as that described in such determination may file with the Secretary a written notice of a desire to contest the determination. Upon receipt of the notice the Secretary shall publish in the FEDERAL REGISTER notice of the desire of the manufacturer, producer or wholesaler to contest the determination. Within 30 days after the publication, the manufacturer, producer or wholesaler may commence an action in the United States Customs Court contesting such determination.

REDESIGNATION TABLE

This table shows the relationship of sections in revised Part 153 to the sections in the present Part 153.

Old section	New section	Old section	New section
153.1 -----	153.0	153.17 -----	153.18
153.2 -----	153.1	153.23(a) -----	153.21
153.3 -----	153.2	153.23(b) -----	153.22
153.4 -----	153.3	153.23(c) -----	153.23
New -----	153.4	153.26 -----	153.25
New -----	153.5	153.26 -----	153.26
153.5(a) -----	153.6	153.27 -----	153.27
153.5(b) -----	153.7	153.28 -----	153.28
153.6 -----	153.8	153.29 -----	153.29
153.7 -----	153.9	153.30 -----	153.30
153.8 -----	153.10	153.31 -----	153.31
153.9 -----	153.11	153.32 -----	153.32
153.10 -----	153.12	153.15 -----	153.33
153.11 -----	153.13	153.33 -----	153.34
153.12 -----	153.14	153.34 -----	153.35
153.18 -----	153.15	153.35 -----	153.36
153.13 -----	153.16	153.36 -----	153.37
153.16 -----	153.17	New -----	153.38

Old section	New section	Old section	New section
New -----	153.39	153.50 -----	153.50
153.37 -----	153.40	153.51 -----	153.51
153.38 -----	153.41	153.52 -----	153.52
153.39 -----	153.42	153.53 -----	153.53
153.40 -----	153.43	New -----	153.54
153.41 -----	153.44	153.54 -----	153.55
153.42 -----	153.45	153.55 -----	153.56
153.43 -----	153.46	153.56 -----	153.57
153.48 -----	153.48	153.64 -----	153.64
153.49 -----	153.49		

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